

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 656**

**Introduced by Assembly Member Scott**

February 23, 1999

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An act *to amend Sections 1337.6 and 1338 of, and to add Section 1338.2 to, the Health and Safety Code, relating to care facilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 656, as amended, Scott. Nurse assistants: training programs.

Existing law requires skilled nursing or intermediate care facilities to adopt a training program for nurse assistants that meets standards established by the State Department of Health Services. Under existing law, applicants for certification as a certified nurse assistant are required to meet certain qualifications, including completion of an approved training program.

This bill would require the department to convene a work group of specified composition to revise current training programs and continuing education requirements for nurse assistants, and to develop specialty training programs, and recommendations on ways to expand the availability of both training programs and nurse assistants available for hire in the state. This bill would require those programs, requirements, and recommendations to be submitted to the department by

July 1, 2000, and would require implementation of the revised training programs by January 1, 2001.

*This bill would also require the department to review the certified nurse assistant training curriculum every 5 years, and to work with the State Department of Education to implement a work-based learning program for certain students.*

*Existing law sets forth requirements for renewal of certificates issued to certified nurse assistants. Under existing law, a certificate that is not renewed within 4 years after its expiration may not be renewed except upon completion of a certification program unless certain conditions are met.*

*This bill would except from this restriction a certified nurse assistant whose certificate expired within the last 10 years if he or she completes 75 hours of training, passes a competency test, and obtains a criminal background clearance prior to the renewal. This bill would require the department to develop a training program for these previously certified individuals.*

*Existing law requires the department, through the Medi-Cal program, to provide rate adjustments to certain long-term care facilities for the portion of costs attributable to certain requirements relating to nurse assistant training programs.*

*This bill would revise which facilities may receive these rate adjustments. This bill would require the department to provide direct financial assistance, as described, to long-term care facilities that establish and receive approval for a training program.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of
- 2 the following:
- 3 (a) Patient needs in long-term health care facilities
- 4 have changed dramatically in the last ten years with
- 5 many patients requiring more intensive medical care for
- 6 shorter periods of time.



(b) The nurse assistant training program has not been reviewed or revised for more than ten years to address the changing needs of patient care in today's long-term health care facilities.

(c) Continuing education requirements are also outdated and do not allow for certified nurse assistants to adequately gain knowledge of facility-specific specialties.

(d) There continues to be no additional training opportunities available to certified nurse assistants that want to specialize in caring for special patient populations or to advance on a career ladder.

(e) There is currently a shortage of 10,000 certified nurse assistants available for hire and an inadequate number of active training centers in the state to respond to this need, especially in rural areas.

SEC. 2. It is the intent of the Legislature that the State Department of Health Services convene a work group to revise the current training and continuing education requirements for certified nurse assistants, develop specialized training opportunities for certified nurse assistants, and provide recommendations to the department on addressing the availability of certified nurse assistants for hire in the state.

SEC. 3. *Section 1337.6 of the Health and Safety Code is amended to read:*

1337.6. (a) Certificates issued under this article shall be renewed every two years and renewal shall be conditional upon the occurrence of all of the following:

(1) The certificate holder submitting documentation of completion of 48 hours of in-service training every two years obtained through an approved training program or taught by a director of staff development for a licensed skilled nursing or intermediate care facility that has been approved by the state department, or by individuals or programs approved by the state department. At least 12 of the 48 hours of in-service training shall be completed in each of the two years.

(2) The certificate holder obtaining a criminal record clearance.

1 (b) Certificates issued under this article shall expire on  
2 the certificate holder's birthday. If the certificate is  
3 renewed more than 30 days after its expiration, the  
4 certificate holder, as a condition precedent to renewal,  
5 shall also pay the delinquency fee prescribed by this  
6 article.

7 (c) To renew an unexpired certificate, the certificate  
8 holder shall, on or before the certificate expiration date,  
9 apply for renewal on a form provided by the state  
10 department, pay the renewal fee prescribed by this  
11 article, and submit documentation of the required  
12 in-service training.

13 (d) The state department shall give written notice to  
14 a certificate holder 90 days in advance of the renewal date  
15 and, 90 days in advance of the expiration of the fourth  
16 year that a renewal fee has not been paid, and shall give  
17 written notice informing the certificate holder, in general  
18 terms, of the provisions of this article. Nonreceipt of the  
19 renewal notice does not relieve the certificate holder of  
20 the obligation to make a timely renewal. Failure to make  
21 a timely renewal shall result in expiration of the  
22 certificate.

23 (e) Except as otherwise provided in this article, an  
24 expired certificate may be renewed at any time within  
25 four years after its expiration on the filing of an  
26 application for renewal on a form prescribed by the state  
27 department, and payment of the renewal fee in effect on  
28 the date the application is filed, and documentation of the  
29 required in-service education.

30 Renewal under this article shall be effective on the date  
31 on which the application is filed, on the date when the  
32 renewal fee is paid, or on the date on which the  
33 delinquency fee is paid, whichever occurs last. If so  
34 renewed, the certificate shall continue in effect until the  
35 date provided for in this article, when it shall expire if it  
36 is not again renewed.

37 (f) If a certified nurse assistant applies for renewal  
38 more than 30 days after expiration but within four years  
39 after the expiration, and demonstrates in writing to the  
40 state department's satisfaction why the renewal

1 application was late, then the state department shall issue  
2 a renewal, upon payment of the renewal fee. If the  
3 certified nurse assistant demonstrates in writing to the  
4 state department's satisfaction why the certified nurse  
5 assistant cannot pay the delinquency fee, then the state  
6 department on a case-by-case basis shall consider waiving  
7 the delinquency fee. A suspended certificate is subject to  
8 expiration and shall be renewed as provided in this  
9 article, but this renewal does not entitle the certificate  
10 holder, while the certificate remains suspended, and,  
11 until it is reinstated, to engage in the certified activity, or  
12 in any other activity or conduct in violation of the order  
13 or judgment by which the certificate was suspended.

14 (g) A revoked certificate is subject to expiration as  
15 provided in this article, but it cannot be renewed. If  
16 reinstatement of the certificate is approved by the state  
17 department, the certificate holder, as a condition  
18 precedent to reinstatement, shall pay a reinstatement fee  
19 in an amount equal to the renewal fee in effect on the  
20 date the application for reinstatement is filed, plus the  
21 delinquency fee, if any, accrued at the time of its  
22 revocation.

23 (h) ~~A~~—*Except as provided in subdivision (i), a*  
24 *certificate that is not renewed within four years after its*  
25 *expiration cannot be renewed, restored, reissued, or*  
26 *reinstated except upon completion of a certification*  
27 *program unless deemed otherwise by the state*  
28 *department if all of the following conditions are met:*

29 (1) No fact, circumstance, or condition exists that, if  
30 the certificate were issued, would justify its revocation or  
31 suspension.

32 (2) The person pays the application fee provided for  
33 by this article.

34 (3) The person takes and passes any examination that  
35 may be required of an applicant for a new certificate at  
36 that time, that shall be given by an approved provider of  
37 a certification training program.

38 (i) *A certified nurse assistant whose certificate has*  
39 *expired within the last 10 years may have his or her*  
40 *certificate renewed if he or she completes 75 hours of*

1 training, passes a competency test, and obtains a criminal  
2 background clearance prior to the renewal. The  
3 department shall develop a training program for these  
4 previously certified individuals.

5 (j) Certificate holders shall notify the department  
6 within 60 days of any change of address. Any notice sent  
7 by the department shall be effective if mailed to the  
8 current address filed with the department.

9 ~~(j)~~

10 (k) Certificate holders that have been certified as both  
11 nurse assistants pursuant to this article and home health  
12 aides pursuant to Chapter 8 (commencing with Section  
13 1725) of Division 2 shall renew their certificates at the  
14 same time on one application.

15 SEC. 4. Section 1338 of the Health and Safety Code is  
16 amended to read:

17 1338. (a) The state department shall, through the  
18 Medi-Cal program, provide rate adjustments to skilled  
19 nursing ~~or intermediate care~~ facilities ~~or other licensed~~  
20 ~~long-term health care facilities~~ for the portion of  
21 additional costs attributable to the requirements of  
22 Sections 1337.1, ~~1337.3~~, and 1337.5 with respect to  
23 Medi-Cal patients. The portion of such additional costs  
24 attributable to Medi-Cal shall be the same as the ratio of  
25 Medi-Cal patients to total patients in the facility. Such  
26 rate adjustments shall also include provisions for an  
27 increase in wages for nurse assistants who receive  
28 certificates pursuant to Section 1337.3 and a continuing  
29 wage differential between certified and uncertified nurse  
30 assistants thereafter.

31 ~~(b) On and after September 1, 1978, the rate~~  
32 ~~adjustments specified in subdivision (a) shall not be paid~~  
33 ~~to any skilled nursing facility or intermediate care facility~~  
34 ~~which has not received approval of the state department~~  
35 ~~for an approved training program that meets the~~  
36 ~~standards and requirements of Section 1337.1, unless the~~  
37 ~~facility has had an application for such approval on file~~  
38 ~~with the state department on or before August 1, 1978,~~  
39 ~~which has not been approved or rejected. However,~~  
40 ~~payment of such rate adjustments to facilities with~~

~~1 applications on file with the state department on or  
2 before August 1, 1978, which have not received action by  
3 the state department, shall cease upon rejection of the  
4 application.~~

~~5 Within one week after the effective date of this article  
6 the state department shall notify all skilled nursing  
7 facilities or intermediate care facilities, which have not  
8 filed an application with the state department for  
9 approval of an approved training program, of the  
10 requirements of this subdivision.~~

~~11 (e) Facilities granted an exemption by the state  
12 department prior to the effective date of this section  
13 pursuant to subsection (i) of Section 51510 or subsection  
14 (h) of Section 51511 of Title 22 of the California  
15 Administrative Code shall be entitled to continuance of  
16 such exemption unless and until the facility ceases to  
17 meet any of the eligibility criteria which are specified in  
18 such regulations on the effective date of this section.~~

~~19 (b) The state department shall provide direct  
20 financial assistance to skilled nursing facilities or other  
21 licensed long-term care facilities that establish and have  
22 received approval for a training program that meets the  
23 standards and requirements of Section 1337.3. The  
24 financial assistance for these training programs shall be  
25 determined by giving consideration to all training  
26 program costs, and not just applicable Medi-Cal costs.~~

~~27 (c) In order to provide incentives to facilities to  
28 establish and maintain training programs that meet the  
29 requirements of Section 1337.3, and allow for recovery of  
30 costs, the direct financial assistance required by  
31 subdivision (b) may include direct facility educational  
32 grants, direct facility contracting, Medi-Cal rate  
33 adjustments, or any combination of grants, contracts, and  
34 rate adjustments designed to implement this section.~~

~~35 SEC. 5. Section 1338.2 is added to the Health and  
36 Safety Code, to read:~~

~~37 1338.2. (a) The state department shall convene a  
38 work group to do all of the following:~~

1 (1) Revise the current training program for nurse  
2 assistants to ~~address the changing needs of patients in do~~  
3 ~~all of the following:~~

4 (A) *Address the current complex needs of residents of*  
5 *long-term health care facilities.*

6 (B) *Combine state and federal requirements.*

7 (C) *Enhance training requirements as determined by*  
8 *the work group to better prepare nurse assistants for*  
9 *employment.*

10 (D) *Include at least two hours of dementia care*  
11 *training.*

12 (E) *Eliminate any outdated training requirements in*  
13 *regulations adopted pursuant to this article.*

14 (2) Reevaluate the continuing education and  
15 orientation requirements for certified nurse assistants to  
16 ~~address the changing needs of patients in do all of the~~  
17 ~~following:~~

18 (A) *Address the changing needs of residents of*  
19 *long-term health care facilities.*

20 (B) *Look at mechanisms for enhanced orientation of*  
21 *certified nurse assistants such as mentoring.*

22 (C) *Allow for more facility specific continuing*  
23 *education to promote specialty training for certified*  
24 *nurse assistants in specialized areas of resident care.*

25 (3) Develop specialty training programs for certified  
26 nurse assistants who are interested in upgrading their  
27 skills in a specialty area.

28 (4) Develop recommendations to the department on  
29 ways to expand the availability of training programs and  
30 certified nurse assistants available for hire in the state.

31 (b) The programs, requirements, and  
32 recommendations required by subdivision (a) shall be  
33 submitted by the work group to the state department on  
34 or before July 1, 2000.

35 (c) The revisions to the training program shall be  
36 implemented by the state department on or before  
37 January 1, 2001.

38 (d) *The state department shall review the certified*  
39 *nurse assistant training curriculum every five years.*

1    (e) *The state department shall work with the State*  
2    *Department of Education to implement a work-based*  
3    *learning program for students in the regional*  
4    *occupational programs in the state.*

5    (f) The work group shall consist of, but not be limited  
6    to, all of the following:

7    (1) A representative from the State Department of  
8    Education.

9    (2) Nurse-Assistant training center representatives.

10   (3) A director of staff development for a long-term  
11   health care facility.

12   (4) A publisher of nurse assistant training and  
13   competency curricula.

14   (5) An industry representative.

15   (6) A currently certified nurse assistant.

16   (7) A consumer representative.

